

TIN FULTON WALKER & OWEN

November 7, 2022

VIA EMAIL

Re: Irving, et al. v. City of Raleigh, et al., 22-CV-68, Deficiency Letter

Dear Defense Counsel,

Plaintiffs' Document Requests in this matter were initially served on July 21, 2022. Plaintiffs agreed to a thirty-day extension and Defendants provided responses and objections on September 19, 2022. On September 27, 2022, the parties met and discussed the City's plan to distribute personnel files and internal affairs files related to each of the defendants. As of today's date, counsel has only received personnel and internal affairs files related to Officer Gay. Personnel files and internal affairs documents related to Officers Abdullah, Monroe, Rattelade and Rolfe are outstanding.

The City of Raleigh has continued to provide supplemental discovery responses related to other topics; however, these responses are still lacking as laid out below.

The following items have not been produced. Please produce all outstanding discovery by Friday, November 11, 2022, or respond in writing as to why you cannot produce these items and we will schedule a date to meet and confer. If we do not receive these items in a timely manner, we will be unable to proceed with depositions as scheduled.

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Outstanding Discovery

1. All text messages involving Defendants, related to this Incident.¹ (e.g., at her deposition, Officer Gay stated that VICE team 1 had a running group chat that the team communicated on via their work phones. She also stated that she communicated with other VICE members privately through text). *See Request No. 11.*
2. All email messages involving Defendants related to this Incident. (e.g., at her deposition, Officer Gay stated that it was regular practice to communicate certain items with the VICE team via email, and to send search warrants to the SEU team via email when preparing for warrant execution). *See Request No. 11.*
3. Officer Omar Abdullah's phone. SBI Exhibit 68 states that the RPD conducted an extraction of Officer Abdullah's phone. At her deposition, Officer Gay stated that a cellebrite report is typically created when an extraction is done. *See Request No. 11.*
4. All internal affairs records and relevant personnel records. *See Request No. 15.*
5. All case jackets of buys conducted by Dennis Williams. *See Request No. 16-20.*
6. All buy video of buys conducted by Dennis Williams. *See Request No. 16-20.*
7. All body camera footage of take downs or searches related to buys conducted by Dennis Williams. *See Request No. 16-20.*
8. A record of Officer Gay's written reports completed on behalf of Officer Abdullah. Officer Gay testified at her deposition that she regularly completed Incident Reports and Warrants on behalf of Officer Abdullah. She stated that the computer system keeps a log of reports drafted under her account. *See Request No. 4.*
9. All CI contact logs or forms related to Dennis Williams. *See Request No. 16-20.*
10. All documents related to the SEU team, including: the scout form, pre-raid form, post- warrant form. At his deposition, Officer Mead mentioned each of these three forms. This should include all documents related to the 5/21/20

¹ "Incident" includes the raid on plaintiffs' homes on 5/21/20 and all other controlled buys, and related takedowns or searches, on or before 5/21/20 involving Dennis Williams.

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Incident as well as all other incidents involving the SEU team and Dennis Williams. *See Request No. 4.*

11. All policies and procedures related to the SEU team and warrant execution. *See Request No. 13.*
12. All communications between defendants or defendants' counsel and the Wake County District Attorney's Office. *See Request No. 12.*
13. All documents showing usage of the 10-21 software and each occasion on which it was used by the VICE officers or the SEU team. *See Request No. 4 & No. 11.*

Respectfully,



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CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing document upon Counsel for Defendants, on November 11, 2022, via e-mail as follows:

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